

DAVID I. DALBY (SBN: 114750)  
HINSHAW & CULBERTSON LLP  
One California Street, 18th Floor  
San Francisco, CA 94111  
Telephone: 415-362-6000  
Facsimile: 415-834-9070  
ddalby@hinshawlaw.com

Attorneys for Defendant  
CREDIT PROTECTION ASSOCIATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KRISTEN HYLAND,  
Plaintiffs,

vs.

CREDIT PROTECTION ASSOCIATION,  
Defendants.

Case No.: c4:10-00232-LB

STIPULATION TO VACATE  
DEFAULT OF CREDIT PROTECTION  
ASSOCIATION AND PROPOSED  
ORDER

Hon. Laurel Beeler

Complaint Filed: January 19, 2010

1. Pursuant to Federal Rules of Civil Procedure, Rule 55(c), Defendant CREDIT PROTECTION ASSOCIATION ("CPA") and Plaintiff KRISTEN HYLAND ("Plaintiff") hereby stipulate that the clerk's default entered as to CPA on May 24, 2010 shall be vacated.

2. CPA did not previously respond to Plaintiff's complaint as CPA's counsel is handling several similar actions filed against CPA by Plaintiff's attorney and failed to recognize that CPA's responsive pleading in this case was overdue. However, as documented in the prior pleadings and the court's Order of May 5, 2010 (Document 11) in this action, CPA's outside general counsel had been in contact with plaintiff's counsel,

1 and had informed him that he would file an appearance and answer. Due to a  
2 miscommunication between local counsel and CPA's general counsel, the responsive  
3 pleading did not get filed on time.

4 3. CPA contends that it has a just and complete defense to Plaintiff's  
5 complaint filed herein, as CPA has no record that any of its agents and/or representative  
6 ever contacted Plaintiff regarding any debt or other matter. Attached hereto is a copy of  
7 the answer CPA proposes to immediately file in this action.

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9 DATED: May 24, 2010

HINSHAW & CULBERTSON LLP

10 By: /s/ David Ian Dalby  
11 Attorneys for Defendant  
12 CREDIT PROTECTION ASSOCIATION

13 DATED: May 24, 2010

KROHN & MOSS, LTD

14 By: /s/ Nicholas J. Bontrager  
15 Attorneys for Plaintiff  
16 KRISTEN HYLAND

17 ORDERED -- THE DEFAULT OF  
18 CREDIT PROTECTION ASSOCIATION  
19 IS HEREBY VACATED.

20 DATED: May 28, 2010

  
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22 Magistrate Judge of the District Court  
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